IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.20217 of 2006

Date of Decision : 19.12.2006

Balbir Singh ... Petitioner

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. S.S.Kanwal, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner vide impugned order dated 01.08.2002 (Annexure P-4) has been denied the payment of death-cum-retirement gratuity under Rule 6.16 (b) of the Punjab Civil Services, Volume II. The petitioner has neither extracted Rule 6.16 (b) of the Punjab Civil Services, Volume II in the instant writ petition, nor contested the conclusion drawn thereon to the effect that a major brother of the deceased Government employee is not entitled to death-cum-retirement gratuity.

In view of the above, we have no alternative but to dismiss the instant writ petition.

Learned counsel for the petitioner, however, invited our attention to the decision rendered by the Apex Court in State of Kerala and others versus M. Padmanabhan, AIR 1985, Supreme Court, 356, where from the following part of the judgment has been brought to our notice:-

> "Pension and gratuity are no longer, any bounty to be distributed by the Government to its employees on their

retirement but have become a valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

We find no merit in the claim raised by the petitioner based on the decision rendered by the Apex Court in the aforesaid judgment specially in the light of the impugned order, which is based on Rule 6.16 (b) of the Punjab Civil Services, Volume II.

Dismissed.

(J.S. Khehar)
Judge

December 19, 2006
vkd

(S.D. Anand)
Judge